

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**HUONG TRINH,**

Plaintiff,

v.

**SHRINERS HOSPITALS FOR  
CHILDREN,** a corporation,

Defendant.

Case No. 3:22-cv-01999-SB

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION**

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Attorney for Plaintiff.

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Fifth Avenue, Suite 2400, Portland, OR 97201-5630. Attorneys for Defendant.

**IMMERGUT, District Judge.**

On October 23, 2023, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”), ECF 19, recommending that Defendants’ Motion to Dismiss, ECF 10, be GRANTED in part and DENIED in part. No party filed objections. This Court ADOPTS Magistrate Judge Beckerman’s F&R.

### LEGAL STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 19, and accepts Judge Beckerman’s conclusions. Judge Beckerman’s F&R, ECF 19, is adopted in full. Accordingly, this Court GRANTS IN PART Defendant’s Motion to Dismiss, ECF 10, but DENIES Defendant’s Motion to Dismiss Plaintiff’s claims *with prejudice*. Plaintiff must file any amended complaint within fourteen (14) days.

**IT IS SO ORDERED.**

DATED this 13th day of November, 2023.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge